

NEEDHAM PLANNING BOARD MINUTES

March 16, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, March 16, 2021, at 7:15 p.m. with Messrs. Alpert, Jacobs, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting includes a public hearing and there will be an opportunity for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

Board of Appeals – March 18, 2021

Allen Douglas and Christine Lachkey – 238 Highland Avenue

Ms. McKnight stated this is the Montessori School. They want to take over the vacant space next door and increase students and staff. There will be improvements in 2 parking areas. There will be a decrease in the number of parking spaces.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: "No comment."

Melissa Gale/The Cookie Monstah Company – 1257 Highland Avenue

Ms. McKnight noted Stacy's closed recently and Cookie Monstah wants to go in. There is a request for a waiver of parking.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: "No comment."

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 3/23/21 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight and authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

Public Hearing:

7:30 p.m. -- Article 1: Amend Zoning By-Law --Highway Commercial 1 Zoning District **Article 2: Amend Zoning By-Law – Highway Commercial 1 Zoning District Schedule of** **Permitted Special Permit Uses** **Article 3: Amend Zoning By-Law – Map Change to Highway Commercial 1**

Ms. McKnight noted this will create a new zone called Highway Commercial 1 Zoning District. It will place the Muzi property and Channel 5 property in this new district.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Ms. McKnight turned the hearing over to Mr. Block. Mr. Block stated this is a revised proposal. It is approximately 15 acres in the Industrial District. The district includes Muzi Ford and Channel 5. The new district is bounded by 128 to the east, Highland Avenue to the south, Gould Street to the west and the MBTA right-of-way to the north.

Natasha Espada, of Studio ENEE, consultant to the Planning Board, stated she looked at how to continue the commercial corridor into this site. The corner of the site is flat but goes to a big slope down in the back. She looked at the density of the town and the corridor, which runs from Chestnut Street to Newton. All the buildings are similar in size at 2½ to 3 stories and larger across the highway. This would create a continuity of the street. She showed the train and bus lines and noted there is no public transportation at this site.

Mr. Block stated they looked at the underutilized site. The goal is to unlock a higher and better use that makes a stronger contribution to the town while respecting an area that abuts residential. He noted there was a previous zoning proposal that went to Town Meeting in October 2019. The proposal passed by a majority but failed to pass by a super majority to effect the change. He stated the Needham Heights Neighborhood Association had a community meeting, and a working group was created that consisted of members of the Finance Committee, the Select Board and the Planning Board. The proposal was revised based on feedback given. Three changes were made that reduced the scope and scale of the development, reduced the maximum heights and added a multi-family residential development option.

Mr. Block showed the uses allowed by right and by special permit. Those uses will continue to be allowed. He noted the red text shows currently-allowed uses not carried forward into the new proposal, the green text shows new uses proposed in the 2019 proposal and the pink text shows the new uses now proposed. He noted the size of retail has been reduced to 5,750 feet by right and 10,000 square feet by special permit. Retail will serve as amenities for the immediate residents and occupants of the buildings. There will be a maximum of 240 residential units with a minimum of 40% and a maximum of 70% of 1-bedroom units. There will be 12½% affordable units.

Mr. Block highlighted the dimensional changes between the 2019 proposal and the current proposal. He noted the 2019 proposal had an FAR of 1.75 by special permit. That FAR has been reduced to 1.35 based on feedback received. The maximum height proposed in 2019 was 70 feet or 5 stories by right and 6 stories by special permit. The new proposal has reduced the height to 56 feet with a maximum 4 stories by right and 70 feet maximum by special permit. He summarized the proposed dimensional requirements for height and FAR. The FAR is 1.0 by right and 1.35 by special permit with a 35-foot maximum height by right and 48-foot maximum height by special permit.

Mr. Block noted with the current zoning there is no minimum open space requirement and no rear setback requirement for parking garages. The new proposal has a 20% minimum open space requirement and a setback for parking garages. He explained the developer must obtain a Site Plan Special Permit for any building greater than 10,000 square feet. This ensures the Planning Board has control. While a Site Plan Special Permit project cannot be denied, the Planning Board can impose reasonable terms and conditions. If the developer applies for a Special Permit for use the Planning Board has much greater discretion to alter or even deny. The Planning Board will post a notice and give notice to abutters. He explained the process of the public hearing.

Ms. Espada showed sample site plans. She then showed the existing 3-story building on the Channel 5 site and the 2-story building on the Muzi site. She created and showed examples of a 1.0 FAR as of right and a 1.35 FAR by special permit with a single building and multiple buildings. 20% of the site is shown as green space and she showed the current curb cuts, which will remain. She showed views from all angles. She pointed out the 20-foot buffer around the entire site with landscaping for all the options. Ms. Espada discussed the special permit zoning and showed options with single and multiple buildings. The parking and building setback is 200 feet from Gould and Highland with landscaping all around.

Rebeca Brown, of Greenman Pederson, Inc., evaluated the maximum traffic impacts that could result with a 1.35 FAR and any traffic mitigations that would be required. She noted the study area and the intersection closest to the

site that would be impacted. She stated the developer would be required to do a traffic analysis once there is a project for this site. A considerable amount of data was already collected prior to Covid 19. A 2015 study was done by BETA for rezoning of this site previously. A 2019 post construction traffic study was done for the 128 Add-A-Lane project which included Gould Street and Highland Avenue. She noted the traffic volume decreased 13 to 15% post construction. During construction, Exits 18 to 20 were under construction and one ramp was closed. There was a detour from Hunting to Highland during the 2015 study. There was a decrease in traffic once the construction was completed with a 43% drop in traffic on Hunting Road. Traffic increased 7 to 11% in this area post construction.

Ms. Brown stated she used the 2015 data for areas where there was no 2019 information, as it represented a worst-case scenario. She grew out to a 10-year condition using a 1% growth rate. She looked at the volume prior to the start of Add-A-Lane and compared it to the 2019 data collected prior to Covid. She also looked at a worst-case scenario for most traffic trip generation. She showed existing trips, proposed trips and the net increase using a worst-case scenario. She did not include pedestrians or bicyclists. She also looked at traffic management. Ms. McKnight stated residential is included in the mix of uses and asked if that makes it better or worse. Ms. Brown stated she had been asked to look at that with 240 residences. There is a significant drop in total trips generated. The a.m. and p.m. trips are revised and it actually helps to even out traffic. She looked at journey to work trips, existing travel patterns and building density. All 3 models have similar trip generations. There is about 40% of traffic using residential streets and there is 60% to and from the highway. Ms. Brown described the study area intersections with 2030 level of services, no build versus build. The Central Avenue at Gould intersection is a level of service F now. Any increase in traffic would make it worse. That intersection is already being prioritized for improvements by the town. She focused on the 2 site drives and the Highland and Hunting intersection that would be level E or F. Both are being looked at by Mass DOT.

Ms. Brown looked at mitigations that would be required. The 2 site drives would need to be widened for 2 lanes each side. A traffic signal would be needed at the farther drive. Gould Street would need to be widened from the site drives to Highland Avenue. There would be 2 left turns, a dedicated through lane and a right turn lane. Highland Avenue would need to be widened for an exclusive right lane and a dedicated right lane to the site drives. There would be dedicated left turns to each of the 2 site drives. There are no proposed off-site property takings on Hunting or Highland. The widening would be into the site so it would be a taking from the property itself and would push the setbacks into the site. This would require a signal easement on Gould Street. She showed the impacts on the area. She noted, with improvements, all study area intersections return to Level E or better, noting that this includes a worst-case scenario with a greater mix of uses.

Select Board Member Marianne Cooley discussed the fiscal impact. She noted they listened to the townspeople who want a gateway and do not want a warehouse. This is a change and change is difficult. She stated they are all there to help and do the best by Needham. She showed the fiscal impact with the assessed value and the net revenue change. She noted the net tax revenue would be \$78.5 million for use by the town, with no residential use. There would be a \$52 million net change with mixed -use including residential.

Mr. Block stated, on a procedural note, the zoning proposal will appear at Town Meeting with 2 Articles. There will be one main article and the other is a map change. There will need to be a 2/3 majority vote to adopt. The Board has listened to constructive feedback, reduced the size of retail, reduced the scale and scope of development, reduced maximum heights and included multi-family residential use. Traffic mitigations are possible and can improve the flow of traffic. Mr. Block noted the net revenue annually will alleviate a significant tax burden for taxpayers. He then opened the meeting for public comments. He stated each person would have 2 minutes for comments.

Barry Pollack noted traffic data and property takings. He stated there is a petition with 650 signatures objecting to this. He noted an email from Planning Director Lee Newman to Town Engineer Anthony DelGaizo, dated 1/20/20, regarding traffic counts only being good for 5 years and the information needing to be updated. Covid created an opportunity to use the 2015 data. He stated the presentation November 18, 2020 noted Levels D and F services and what could be done. Gould and Central Level E would require adding a lane on Gould with 100 feet of lane. The greatest need is Hunting northbound lane, which would need property takings on both sides. Select Board Member

Matt Borrelli did not think this was ready in 2020. Mr. Block noted Mr. Pollack had used his time and he will go back to him if there is time at the end.

Leigh Doukas stated she is not representing any group she is part of. Her opinions are her own. The FAR was increased by 50%. All other districts with commercial use abut residential with a 50-foot setback and a 25-foot landscape buffer requirement. That should be the minimum allowed in this case. The traffic report does not talk about impacts on as-of-right property. There will be a tremendous number of additional cars. This will impact residents of the area and the values of those properties. She has no issue with a maximum 42-foot height closest to Highland and Gould.

Monty Krieger, of 33 Woodbine Circle, stated the data shows Highland and Hunting traffic will be worsening. There is a substantial amount of increased funds, but what would it cost to increase homeowners' taxes rather than live with greater traffic?

Susan Nissen, of Homsey Lane, asked Mr. Block to share the official position of the Needham Heights Neighborhood Association. Mr. Block stated this is not a forum for any private organization. The questions should be related to the zoning change only.

Joan Berlin, of Parker Road, noted the traffic projections and asked what projects GPI has worked on, were the projections accurate and for how long. She feels there should be greater impact. She asked if Ms. Brown has gone back to see if her projections were correct. Ms. Brown stated she very often has to go back. Almost always on larger projects a requirement is a post occupancy monitoring study, which includes traffic counts at the development and in surrounding areas.

Artie Crocker stated the question is how large not if. All buildings leading up to the intersections are not as large as what is proposed. This is not the other side of 128. The 2 sides are quite different. He stated the townspeople were shown something for the Hartney Greymont site but it was not accurate and was not true. This case is accurate but what was shown was not 35 feet high on Gould and Highland. Wingate is 20 feet high in the flat section and is further away from Gould than this would be. He feels things should be put into perspective. The Board needs to remember the worst-case scenario and show it. He feels there is no need to go to this size to get similar tax revenue. He feels it should be pushed back 100 feet and then go to the 35 feet. Needham is not a city and should not gear zoning to make it a city. He feels the town can do better than what we are doing.

Ben Daniels, of 5 Sachem Road, is directly across Highland Avenue from Muzi. He is disappointed this is back again. He feels it is premature to change the zoning without a proposal in front of them. The townspeople are being scared with hypothetical warehouses and junk yards. The Board should wait until a real project comes along like Newton. This benefits the Muzi family. He was told there was no correspondence with the Muzi family but there was. Why should the public believe what we are hearing? Ms. McKnight stated Mr. Daniels comments were out of order. The focus needs to be on zoning.

Dan Goodman, of 807 Great Plain Avenue, stated it was obvious the Planning Board put a lot of research and thought into the proposal and took comments into consideration. He is impressed with the proposal and pleased with the housing inclusion. The size is well within reason and fits in with the surrounding area. He will be excited to see this rather than what is there today. He is in favor.

Jane Volder, of 133 Brookside Road, is concerned with the traffic report. All the development going in on Needham Street in Newton would impact traffic in the future. Also, traffic does not look at the trickle effect down Central Avenue and other roads. She is concerned with the cost of mitigations. Is that paid for by the town? Mr. Block noted mitigations are paid for by the developer. Ms. Volder stated the green space only looked like 20 feet off the street border. Taxes have gone up every year. She is concerned about the continual increases in real estate taxes.

Peter Schuller stated this is premature and not a developer's plan. There is inadequate data. He yielded the rest of his time to Mr. Pollack. Steve Deroian, of Lindberg Avenue, stated this is premature. He yielded his time to Mr. Pollack. Tom Shockett, of 174 Evelyn Road, stated when traffic was diverted for Add-A-Lane people found all

ways to get around. People would go through their neighborhood. Ten thousand cars a day will go through their neighborhood. He was told that Muzi spoke with the Board. That was a matter of public record and not an accusation. He ceded the rest of his time to Mr. Pollack.

Chris Lalond, of Bennington Street, feels this proposal dangerously opens the door for other property owners. He yields the rest of his time to Mr. Pollack. Alex Puzikov agreed with all the previous speakers. There is over commercialization of the property and would allow larger buildings to be built. Twenty feet is a very small setback and there is a lot of traffic currently. He yields the rest of his time to Mr. Pollack. Nicky Pollack, of 15 Pandolf Lane, asked how many people were on this Zoom hearing call and asked if this would be made public. Mr. Block stated there were 197 people on the call. Ms. Pollack stated in 10 days there were 650 people who signed a petition. This is premature and should be 3 stories. She asked if the Board was considering the options and the scaled down proposal. Mr. Block stated the Board is looking at everything.

Nancy Greenwald, of 615 Highland Avenue, feels her property will go down in value. The project is too large and the town should wait for a developer with a project. She gave the rest of her time to Mr. Pollack. Justin Oriel, of 47 Lee Road, agrees with Mr. Crocker, Mr. Pollack and Mr. Daniels. He deferred the rest of his time to Mr. Pollack.

Andy May, of 32 Lee Road, asked if any analysis has been done on the impact on residential streets. Ms. McKnight noted that Ms. Brown had stated when there is a development proposal in front of us there would be further traffic analysis done and it will include surrounding streets. Mr. May asked if any analysis was done to determine property values of things this size and the impact on abutters. He asked what would happen with Mills Field. He feels there is not enough green in the project. He appreciates the project was scaled back but this is unsightly and should go back further.

Yulia Marie, of 93 Hillside Avenue, noted the impact on schools. The schools did not take into account the housing on the other side of 128. She asked how this will impact the schools. Selectwoman Cooley stated the expected number of children would be 28 for a 1.0 FAR and 38 for a 1.35 FAR. This number of children could be accommodated as they would be spread across all grades. Ms. Marie noted class sizes are larger than surrounding towns.

Glen Mulno, of 40 Morton Street, does not think the traffic study has taken into account Newton on the other side of the bridge. This should be taken into account. He commented he is confused. The zoning was going to include housing but not require the developer to add it. Mr. Block stated it is up to the developer to decide. Developers are not required to do anything but may choose to do office, mixed use or housing. Mr. Mulno asked why come up with a plan to appease the Muzi family without an actual plan.

Mike Michaud, of Daley Street, stated he lives off St. Mary Street and is new to town. He asked why this area was not involved in the traffic study. Oscar Mertz, of 67 Rybury Hillway, thanked all for their participation. He stated the idea of doing this zoning is critical to make a lot happen. Housing is not available in the current zoning and it is important to change that. He looks forward to a transparent process.

Ellen Finn, of Greendale Avenue, wants the Board to think about green spaces. The townspeople have asked for home grown organic but are being offered strip malls and research and development but not hockey rinks and green spaces. It is not a livable community. There needs to be outside the box thinking. This is an opportunity for a developer to make money. There has been 8 years of constant construction in their neighborhood. This is creating greed opportunity investments. She asked how the community can buy this property and engage abutters. She feels what was a good community is being destroyed.

Mr. Block invited all to send comments to the Planning Board. All comments will be considered up until and through 5:00 p.m. Thursday. He stated the Board has received good feedback tonight and from the 2/3/21 community meeting. He thanked all and asked members of the public to send comments to planning@needhamma.gov. He noted the presentation and related materials will be posted on the website. The Planning Board intends to vote on 3/23/21.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to close the hearing with the exception of receiving written communication until Thursday, 5/18/21, at 5:00 p.m.

Report of the Planning Director and Board members.

Ms. Newman noted she met with the representatives of the 128 Business Council that runs the shuttle service of the New England Business Center. There were 9 properties that participated in the shuttle. The Board imposed conditions on some projects. Three projects, with 2 owners, have dropped out of participation. She asked what kind of action the Board wants to take to enforce action as they are not complying with the permits. Ms. McKnight stated the ridership has gone down but the provider has allowed for that. Ms. Newman stated the operational costs have gone down and the costs have been shifted onto the remainder of the other participants. This has been a benefit to the town and is in jeopardy. She noted the question is if the Board is going to enforce the condition that the businesses need to supply shuttle service. Ms. McKnight suggested sending a demand letter if there is a violation. She wants to see compliance. Mr. Jacobs agreed but would also like the proponents to come before the Board to explain what is going on. Ms. Newman will reach out to the 2 property owners to come before the Board on 4/6/21. Mr. Alpert suggested the second meeting in April when Ms. Espada is on the Board.

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 9:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk